

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Bruce Wilcox, et al.,

Plaintiffs

v.

Portfolio Recovery Associates, LLC,

Defendant

Case No.: 2:20-cv-01545-JAD-NJK

**Order Denying Defendant's Motion to  
Strike Plaintiff's Response to Summary  
Judgment Motion**

[ECF No. 105]

Pro se plaintiffs Bruce and Connie Wilcox sue defendant Portfolio Recovery Associates, LLC (PRA) for violations of the Fair Debt Collection Practices Act stemming from PRA's attempts to collect a delinquent debt.<sup>1</sup> PRA has moved for summary judgment on all of the Wilcoxes' claims.<sup>2</sup> On August 10, 2023, the Wilcoxes filed a handwritten, 80-plus-page response, exclusive of exhibits.<sup>3</sup> PRA moves to strike that response, contending that it and its accompanying exhibits violate several local rules.<sup>4</sup>

Local Rule 7-3(a) limits responses to summary-judgment motions to 30 pages, excluding exhibits.<sup>5</sup> The Wilcoxes' response is more than double the permitted page limit. But it is handwritten, considerably shrinking the number of words that fit on each page. I have reviewed the response and conclude that the contents do not exceed what could fit in a typed 30-page brief, so I will not fault the Wilcoxes for their large handwriting.

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<sup>1</sup> ECF No. 1-1.

<sup>2</sup> ECF No. 99.

<sup>3</sup> ECF No. 102.

<sup>4</sup> ECF No. 105.

<sup>5</sup> L.R. 7-3(a).

1 PRA also contends that the response violates Local Rule 56-1, which requires that  
 2 summary-judgment responses “include a concise statement setting forth each fact material to the  
 3 disposition of the motion that the party claims is or is not genuinely in issue, citing the particular  
 4 portions of any pleading, affidavit, deposition, interrogatory, answer, admission, or other  
 5 evidence on which the party relies.”<sup>6</sup> But the Wilcoxes’ brief contains statements of fact with  
 6 citations to particular exhibits. While this is not the work of a seasoned attorney, the Wilcoxes  
 7 have complied with the spirit of LR 56-1 such that PRA should be able to fashion a reply.

8 Lastly, PRA complains that Wilcoxes failed to properly attach exhibits or consecutively  
 9 number the brief’s pages.<sup>7</sup> Indeed, they have failed to comply with those local rules. But I  
 10 excuse those deficiencies in this instance because, while they make the effort of sorting through  
 11 the brief slightly more arduous, they do not affect PRA’s ability to comprehend and respond to  
 12 the Wilcoxes’ arguments.

### 13 Conclusion

14 IT IS THEREFORE ORDERED that defendant Portfolio Recovery Associates, LLC’s  
 15 motion to strike [ECF No. 105] is **DENIED**. PRA has until **September 23, 2023**, to file its  
 16 reply brief.

17   
 18 U.S. District Judge Jennifer A. Dorsey  
 19 September 13, 2023  
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23 <sup>6</sup> L.R. 56-1.

<sup>7</sup> ECF No. 105-1 at 2.